

ORRICK, HERRINGTON & SUTCLIFFE LLP
KAREN G. JOHNSON-MCKEYAN (SBN 121570)

kjohnson-mckewan@orrick.com
ANNETTE L. HURST (SBN 148738)

ahurst@orrick.com
GABRIEL M. RAMSEY (SBN 209218)

gramsey@orrick.com
405 Howard Street, San Francisco, CA 94105

Tel: 1.415.773.5700 / Fax: 1.415.773.5759
PETER A. BICKS (*pro hac vice*)

pbicks@orrick.com
LISA T. SIMPSON (*pro hac vice*)

lsimpson@orrick.com
51 West 52nd Street, New York, NY 10019

Tel: 1.212.506.5000 / Fax: 1.212.506.5151

BOIES, SCHILLER & FLEXNER LLP

DAVID BOIES (*pro hac vice*)

dboies@bsfllp.com

333 Main Street, Armonk, NY 10504

Tel: 1.914.749.8200 / Fax: 1.914.749.8300

STEVEN C. HOLTZMAN (SBN 144177)

sholtzman@bsfllp.com

1999 Harrison St., Ste. 900, Oakland, CA 94612

Tel: 1.510.874.1000 / Fax: 1.510.874.1460

ORACLE CORPORATION

DORIAN DALEY (SBN 129049)

dorian.daley@oracle.com

DEBORAH K. MILLER (SBN 95527)

deborah.miller@oracle.com

MATTHEW M. SARBORARIA (SBN 211600)

matthew.sarboraria@oracle.com

RUCHIKA AGRAWAL (SBN 246058)

ruchika.agrawal@oracle.com

500 Oracle Parkway,

Redwood City, CA 94065

Tel: 650.506.5200 / Fax: 650.506.7117

Attorneys for Plaintiff

ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA

**DECL. OF MATTHEW L. BUSH IN
SUPPORT OF ORACLE'S RESPONSE
TO GOOGLE'S PROFFER RE: GNU
AND OPEN SOURCE CUSTOM (ECF
NOS. 1767 AND 1768)**

Dept.: Courtroom 8, 19th Floor

Judge: Honorable William H. Alsup

1 I, Matthew L. Bush, declare and state as follows:

2 1. I am a member of the bar of the State of New York, admitted to practice before
3 this Court, and an associate with the law firm of Orrick, Herrington & Sutcliffe LLP (“Orrick”),
4 attorneys of record for plaintiff Oracle America, Inc. (“Oracle”). I am familiar with the events,
5 pleadings and discovery in this action and, if called upon as a witness, I could and would testify
6 competently to the matters stated herein of my own personal knowledge.

7 2. I submit this declaration in support of Oracle’s Response to Google’s Proffer re:
8 GNU and Open Source Custom.

9 3. Attached hereto as Exhibit 1 is a document produced by Google in discovery
10 bearing bates number GOOGLE-01-00018470, previously marked as Trial Exhibit (“TX”) 18.

11 4. Attached hereto as Exhibit 2 is a document produced by Google in discovery
12 bearing bates number GOOGLE-01-00062067, previously marked as TX 200.

13 5. Attached hereto as Exhibit 3 is a document produced by Google in discovery
14 bearing bates number GOOGLE-00-00000520, previously marked as TX 2341.

15 6. Attached hereto as Exhibit 4 is a document produced by the Apache Software
16 Foundation bearing bates number ASF-GOOGLE-00001393, previously marked as TX 5046.

17 7. Attached hereto as Exhibit 5 is a document produced by Google in discovery
18 bearing bates number GOOGLE-01-00035931, previously marked as TX 29.

19 8. Attached hereto as Exhibit 6 is a document produced by Google in discovery
20 bearing bates number GOOGLE-27-00002479, previously marked as TX 405.

21 9. Attached hereto as Exhibit 7 is a document produced by Google in discovery in
22 this action bearing bates number GOOGLE-13-00033994.

23 10. Attached hereto as Exhibit 8 is a copy of a Sun Microsystems license agreement,
24 previously marked as TX 610.1.

25 11. Attached hereto as Exhibit 9 is a document produced by Oracle in discovery
26 bearing bates number OAGOOGL0004632503.

27 12. Attached hereto as Exhibit 10 is a printout of a webpage of the Apache Software
28 Foundation, previously marked as TX 917.

14. Attached hereto as Exhibit 12 is an excerpt from the transcript of the May 4, 2011 deposition of Andrew McFadden taken in this action.

15. Attached hereto as Exhibit 13 is a document produced by Google in discovery in this action bearing bates number GOOGLE-00392198, previously marked as TX 2765.

16. Attached hereto as Exhibit 14 is a document produced by Google in discovery in this action bearing bates number GOOGLE-02-00077131

17. Attached hereto as Exhibit 15 is an excerpt from the transcript of the November 20, 2015 deposition of Donald Smith taken in this action.

18. Attached hereto as Exhibit 16 is a document produced by Oracle in discovery in this action bearing bates number OAGOOGL0020194367, previously marked as TX 5246.

19. Attached hereto as Exhibit 17 is a document produced by Oracle in discovery in this action bearing bates number OAGOOGL0004639237.

20. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 2nd day of May, 2016, at San Francisco, CA.

/s/ *Matthew L. Bush*

Matthew L. Bush